

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

**AUTHORIZATION TO DISCHARGE
AND DISPOSE BIOSOLIDS UNDER THE
NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et seq., as amended by the Water Quality Act of 1987, P.L. 100-4, the “Act”, the

**The Meadows L.L.C.
#24 Peregrine Drive
Ketchum, Idaho 83340**

is authorized to discharge from a wastewater treatment facility located at latitude: 43° 37' 58.639"; longitude: 114° 20' 59.321"

to receiving waters named **Big Wood River**,

in accordance with the discharge point, effluent limitations, monitoring requirements and other conditions set forth herein and

is authorized to transfer for treatment sewage sludge (“biosolids”)

to a sludge treatment facility at **the Ohio Gulch Transfer Station in Blaine County, ID**,

in accordance with the disposal site, specific limitations, monitoring requirements, management practices, and other conditions set forth herein.

This permit shall become effective November 30th 1999.

This permit and the authorization to discharge shall expire at midnight, November 30th 2004.

Signed this 28th day of October 1999.

/s/ Randall F. Smith
Randall F. Smith
Director
Office of Water
U.S. Environmental Protection Agency, Region 10

TABLE OF CONTENTS

| | Page |
|---|------|
| I. Specific Limitations and Requirements | |
| A. Effluent Limitations | 4 |
| B. Influent and Effluent Monitoring Requirements | 5 |
| C. Ambient Monitoring Requirements | 5 |
| D. Sludge Requirements | 6 |
| E. Quality Assurance Requirements | 8 |
| F. Operation and Maintenance Plan | 9 |
| G. Design Criteria Requirement | 10 |
| H. Definitions | 10 |
| II. Monitoring, Recording and Reporting Requirements | |
| A. Representative Sampling | 12 |
| B. Monitoring Procedures | 12 |
| C. Reporting of Monitoring Results | 12 |
| D. Additional Monitoring by the Permittee | 13 |
| E. Records Contents | 13 |
| F. Retention of Records | 13 |
| G. Twenty-four Hour Notice of Noncompliance Reporting | 14 |
| H. Other Noncompliance Reporting | 15 |
| I. Inspection and Entry | 15 |
| J. Compliance Schedules | 15 |
| III. Compliance Responsibilities | |
| A. Duty to Comply | 15 |
| B. Penalties for Violations of Permit Conditions | 15 |
| C. Need to Halt or Reduce Activity not a Defense | 16 |
| D. Duty to Mitigate | 16 |
| E. Proper Operation and Maintenance | 16 |
| F. Removed Substances | 17 |
| G. Bypass of Treatment Facilities | 17 |
| H. Upset Conditions | 18 |
| IV. General Requirements | |
| A. Notice of New Introduction of Pollutants | 18 |
| B. Control of Undesirable Pollutants | 19 |
| C. Requirements for Industrial Users | 19 |
| D. Planned Changes | 19 |
| E. Anticipated Noncompliance | 19 |
| F. Permit Actions | 19 |
| G. Duty to Reapply | 20 |
| H. Duty to Provide Information | 20 |
| I. Other Information | 20 |

J. Signatory Requirements 20

K. Availability of Reports 21

L. Oil and Hazardous Substance Liability 21

M. Property Rights 21

N. Severability 21

O. Transfers 21

P. State Laws 22

Q. Re-opener Provision 22

LIST OF TABLES

Table 1. Effluent Limitations 4

Table 2. Effluent Monitoring Requirements 5

Table 3. Ambient Monitoring Requirements 6

Table 4. Sludge Monitoring Requirements 8

Table 5. Design Criteria for the Meadows Wastewater Treatment Facility 10

I. SPECIFIC LIMITATIONS AND REQUIREMENTS

A. Effluent Limitations

1. During the effective period of this permit, the permittee is authorized to discharge wastewater from outfall 001 to Big Wood River, subject to the restrictions set forth herein. This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application, or any pollutants that are not ordinarily present in such waste streams. The facility may discharge waste streams and pollutants associated with operations which would not require notification under **Part IV.A. Notice of New Introduction of Pollutants** of this permit.
2. The following effluent limits shall apply at all times:

| Table 1. EFFLUENT LIMITATIONS | | | | | |
|--|----------------------------|------------------------|-----------------------|----------------------|----------------------|
| Effluent Parameter | Unit of Measurement | Monthly Average | Weekly Average | Maximum Daily | Minimum Daily |
| Biochemical Oxygen Demand (BOD ₅) ¹ | mg/L | 30 | 45 | --- | --- |
| | lbs/day | 25 | 38 | --- | --- |
| Total Suspended Solids (TSS) ¹ | mg/L | 30 | 45 | --- | --- |
| | lbs/day | 25 | 38 | --- | --- |
| Fecal Coliform Bacteria (May 1 - September 30) | colonies/100 mL | 50 ² | 200 ³ | 500 ⁴ | --- |
| Fecal Coliform Bacteria (October 1 - April 30) | colonies/100 mL | 200 ² | 200 ³ | 800 ⁴ | --- |
| pH | s.u. | --- | --- | 9.0 | 6.5 |
| ¹ The average monthly percent removal must be $\geq 85\%$ and will be the arithmetic mean of the percent removals calculated from each weekly influent and corresponding effluent concentration value within that month. Average monthly percent removal must be reported on the following monthly Discharge Monitoring Report (DMRs). ² Based on a geometric mean of all samples taken in that month. ³ Based on a geometric mean of all samples taken in that week. ⁴ Reporting is required within 24-hours if the maximum daily limit is violated. | | | | | |

3. The discharge of chemicals in toxic amounts is prohibited pursuant to Section 101(a)(3) of the CWA and Idaho water quality standards (IDAPA 16.01.02.200.02), which prohibits the discharge of toxic pollutants in toxic amounts.
4. There shall be no discharge of deleterious materials in concentrations that impair beneficial uses of the receiving waters.
5. There shall be no discharge of floating solids, visible foam, or oily wastes which produce a sheen on the surface of the receiving water.

B. Influent and Effluent Monitoring Requirements

1. During the effective period of this permit, the following monitoring requirements shall apply:

| Table 2. INFLUENT AND EFFLUENT MONITORING REQUIREMENTS | | | | |
|--|----------|----------------------------------|------------------|--------------------------|
| Parameter | Units | Sample Location | Sample Frequency | Sample Type ² |
| Flow | mgd | Effluent | 5/week | Recording |
| Biochemical Oxygen Demand (BOD ₅) | mg/L | Influent & Effluent ¹ | 1/week | 8-hour composite |
| | lbs/day | | | |
| Total Suspended Solids (TSS) | mg/L | Influent & Effluent ¹ | 1/week | 8-hour composite |
| | lbs/day | | | |
| Fecal Coliform Bacteria | #/100 mL | Effluent | 5/month | grab |
| E. Coli Bacteria | #/100 mL | Effluent | 5/month | grab |
| pH | s.u. | Effluent | 5/week | grab |
| Temperature | EC | Effluent | 5/week | grab |
| Total Kjeldahl Nitrogen ³ | mg/L | Effluent | 1/month | grab |
| | lbs/day | | | |
| Total Ammonia as N ³ | mg/L | Effluent | 1/month | grab |
| | lbs/day | | | |
| Nitrate as N ³ | mg/L | Effluent | 1/month | grab |
| | lbs/day | | | |
| Nitrite as N ³ | mg/L | Effluent | 1/month | grab |
| | lbs/day | | | |
| Total Phosphorus as P ³ | mg/L | Effluent | 1/month | grab |
| | lbs/day | | | |

¹ Influent and effluent composite samples must be collected during the same 24-hour period.

² 8-hour composite samples must consist of a flow-proportioned mixture of at least three discrete aliquots collected over an eight hour period. Each aliquot must be a grab sample of not less than 100 mL and must be collected and stored in accordance with procedures specified in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.

³ Monitoring for these parameters must start within 90 days after the effective date of the permit and must continue for a period of two years.

2. Effluent samples shall be collected after the last treatment unit prior to discharge.

C. Ambient Monitoring Requirements

1. During the effective period of this permit, the permittee shall establish sampling

stations downstream and upstream from the influences of the facility's discharge at a location representative of the quality of the receiving waters. The permittee shall submit the sampling locations to EPA and Idaho Division of Environmental Quality (IDEQ) within 30 days after the effective date of the permit.

2. During the effective period of this permit, the following monitoring requirements shall apply:

| Table 3. AMBIENT MONITORING REQUIREMENTS ^{1,2,3} | | | | |
|---|--------------|------------------------|-------------------------|--------------------|
| Parameter | Units | Sample Location | Sample Frequency | Sample Type |
| E. Coli Bacteria | #/100 mL | Upstream & Downstream | 1/quarter | grab |
| pH | s.u. | Upstream & Downstream | 1/quarter | grab |
| Temperature | EC | Upstream & Downstream | 1/quarter | grab |
| Total Phosphorus as P | mg/L | Upstream & Downstream | 1/quarter | grab |
| Total Kjeldahl Nitrogen | mg/L | Upstream & Downstream | 1/quarter | grab |
| Total Ammonia as N | mg/L | Upstream & Downstream | 1/quarter | grab |
| Nitrate as N | mg/L | Upstream & Downstream | 1/quarter | grab |
| Nitrite as N | mg/L | Upstream & Downstream | 1/quarter | grab |
| ¹ For each parameter monitored in both effluent and receiving water, ambient sampling shall be conducted on the same day as effluent sampling. ² Monitoring for these parameters must start within 90 days after the effective date of the permit and must continue for a period of two years. ³ Each quarter of the calendar year is defined as follows: first quarter is January 1 - March 31, second quarter is April 1 - June 30, third quarter is July 1 - September 30, and fourth quarter is October 1 - December 31. | | | | |

3. Ambient monitoring data shall be submitted with the DMRs, the month after testing, to EPA and Idaho Division of Environmental Quality (IDEQ).

D. Sludge Requirements. The permittee is authorized by this permit to transfer sewage sludge to a treatment facility at the Ohio Gulch Transfer Station.

1. Management Requirements

- a. The permittee shall handle and dispose of sewage sludge in such a manner so as to

protect public health and the environment from any reasonably anticipated adverse effects due to any toxics, pathogens or vector attraction which may be present. The following document may provide useful information in assisting the facility in evaluating their sludge for pollutants: *Technical Support Document for Land Application of Sewage Sludge* (NTIS PB93-110575).

- b. The permittee shall comply with all existing federal and state laws, and all regulations that apply to sewage sludge use and disposal practice(s).
 - c. The permittee shall ensure pollutants from the biosolids do not reach surface waters of the United States.
 - d. The permittee is required to dispose or transfer biosolids to a facility which is in compliance with all applicable federal standards.
 - e. The permittee shall give thirty days notice to the Director of any change(s) planned in the permittee's sludge management practices. Under 40 CFR Part 122.62(a)(1), a change in the permittee's sludge use or disposal practice is a cause for modification of the permit. If the permittee requests a change in sludge disposal practice, then this is a cause for revocation and re-issuance of the permit.
 - f. Upon request, the permittee shall provide EPA with sludge inventory data as part of EPA or state inventory updates.
 - g. The permittee is required to comply with their sludge management plan.
 - h. When final disposal of sewer sludge is land application, the permittee shall ensure that the concentrations of pollutants in the sewage sludge do not exceed the limits specified in Tables 1 and 3 of 40 CFR §503.13 prior to transferring the sludge at the Ohio Gulch Transfer Station.
 - i. When final disposal of sewer sludge is surface disposal, the permittee shall ensure that the concentrations of pollutants in the sewage sludge do not exceed the limits specified in Table 1 of 40 CFR §503.23 prior to transferring the sludge at the Ohio Gulch Transfer Station.
2. Monitoring Requirements.
- a. During the period beginning on the effective date of this permit and lasting until the expiration, the permittee is required to perform annual monitoring for the following pollutants in the sewer sludge depending upon the method of final disposal:

| Table 4. SLUDGE MONITORING REQUIREMENTS ¹ | | | |
|---|-----------------------|------------------|-------------|
| | Final Disposal Method | | |
| Pollutant | Land Application | Surface Disposal | Co-Disposal |
| Arsenic | X | X | |
| Cadmium | X | | |
| Chromium | | X | |
| Copper | X | | |
| Lead | X | | |
| Mercury | X | | |
| Molybdenum | X | | |
| Nickel | X | X | |
| Selenium | X | | |
| Zinc | X | | |
| ¹ the percent solids of sewage sludge must be monitored to report pollutant concentrations on a dry weight basis | | | |

- b. Methods to analyze the parameters in sewage sludge shall be in accordance with 40 CFR Part 503.8(b)(4).
3. Reporting Requirements. Annual monitoring reports which include individual amounts of sludge transferred to the Ohio Gulch facility for which final disposal method was land application, surface disposal and co-disposal and concentrations of applicable pollutants (see Table 4) shall be submitted to EPA no later than February 19 of each year.

E. Quality Assurance Requirements

1. Within 60 days after the effective date of this permit, the permittee shall submit a Quality Assurance Project Plan (QAPP).
2. At a minimum the QAPP shall include the following:
 - The name(s), address(es) and telephone number(s) of the laboratories used by or proposed to be used by the permittee.
 - Sampling techniques (field blanks, replicates, duplicates, control samples, etc).
 - Sampling preservation methods.
 - Sampling shipment procedures.

- Instrument calibration procedures and preventive maintenance (frequency, standard, spare parts).
 - Qualification and training of personnel.
 - Analytical methods (including quality control checks, detection levels).
 - Chain of custody procedures
3. The permittee shall amend the QAPP whenever there is a modification in the sample collection, sample analysis or conditions or requirements of the QAPP change.
 4. Copies of the most updated QAPP shall be kept on site and shall be made available to EPA and IDEQ upon request.

F. Operation and Maintenance Plan

1. Within 180 days of the effective date of the permit, the permittee shall review its operation and maintenance (O&M) plan and ensure that it includes appropriate best management practices (BMPs); the plan must be reviewed annually thereafter. BMPs include measures which prevent or minimize the potential for the release of pollutants to the Big Wood River. The O&M Plan shall be retained on site and made available to EPA and IDEQ upon request.
2. The permittee shall develop a description of pollution prevention measures and controls appropriate for the facility. The appropriateness and priorities of controls in the O&M Plan shall reflect identified potential sources of pollutants at the facility. The description of BMPs shall address, to the extent practicable, the following minimum components:
 - Spill prevention and control;
 - Optimization of chemical usage;
 - Preventive maintenance program;
 - Minimization of pollutant inputs from industrial users;
 - Research, develop and implement a public information and education program to control the introduction of household hazardous materials to the sewer system;
and
 - Water conservation.

G. Design Criteria Requirement

1. The design criteria for the permitted facility are as follows:

| Table 5. DESIGN CRITERIA FOR THE MEADOWS WASTEWATER TREATMENT FACILITY | | |
|---|-------|--------|
| Criteria | Value | Units |
| Average Flow | 0.10 | mgd |
| Influent BOD Loading | 90 | lb/day |

2. Each month, the permittee shall compute an annual average value for flow and BOD loading entering the facility based on the previous twelve months data or all data available, whichever is less. These values shall be reported on the monthly DMR in the comments section.
3. If the facility performs plant upgrades that affect design criteria listed in Table 5, only data collected after the upgrade should be used in determining the annual average value.
4. When the average annual values exceed 85% of the design criteria values listed in Table 5, the permittee shall develop a facility plan and schedule within one year from the date of first exceedance. The plan must include the permittee's strategy for continuing to maintain compliance with effluent limits and will be made available to the Director or authorized representative upon request.

H. Definitions.

1. A "8-hour composite" sample shall mean a flow-proportioned mixture of not less than 3 discrete aliquots. Each aliquot shall be a grab sample of not less than 100 ml and shall be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.
2. "Average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
3. "Average weekly discharge limitation" means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.
4. "Biosolids" mean any sludge or material derived from sludge that can be beneficially

- used. Beneficial use includes, but is not limited to, land application to agricultural land, forest land, a reclamation site or sale or give away to the public for home lawn and garden use.
5. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
 6. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
 7. "Dry Weight-basis" means 100 percent solids (i.e. zero percent moisture).
 8. A "Grab" sample is a single sample or measurement taken at a specific time or over as short a period of time as is feasible.
 9. "Maximum daily discharge limitation" means the highest allowable "daily discharge."
 10. "Method detection limit (MDL)" is the minimum concentration of an analyte that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero as determined by a specific laboratory method (40 CFR 136).
 11. "Minimum Level (ML)" is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes and processing steps have been followed.
 12. "Paint filter test" is a test (SW 9095) where a predetermined amount of sludge is placed in a paint filter. If any portion of the material passes through the filter in a five minute test period, the material is deemed to contain free liquids.
 13. "Pathogen" means an organism that is capable of producing an infection or disease in a susceptible host.
 14. "Pollutant", for the purposes of this permit, is an organic substance, an inorganic substance, a combination of organic and inorganic substances, or pathogenic organisms that, after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism either directly from the environment or indirectly by ingestion through the food-chain, could, on the basis of information available to the

Administrator of EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction), or physical deformations in either organisms or offspring of the organisms.

15. "Sewage sludge" means solid, semi-solid, or liquid residue generated during the treatment of domestic sewage and/or a combination of domestic sewage and industrial waste of a liquid nature in a Treatment Works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the incineration of sewage sludge or grit and screenings generated during preliminary treatment of domestic sewage in a Treatment Works. These must be disposed of in accordance with 40 CFR 258.
16. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
17. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
18. "Vector attraction" is the characteristic of sewage sludge that attracts rodents, flies, mosquitos or other organisms capable of transporting infectious agents.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part I shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- C. Reporting of Monitoring Results. Monitoring results shall be summarized each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1). The reports shall be submitted monthly and are to be postmarked by the 10th day of the following month.

Legible copies of these, and all other reports, shall be signed and certified in accordance with the requirements of Part IV.J., Signatory Requirements, and submitted to the Director, Office of Water and the State agency at the following addresses:

original to: United States Environmental Protection Agency (EPA)

Region 10
Attention: PCS Data Entry
1200 Sixth Avenue, OW-133
Seattle, Washington 98101

copy to: Idaho Division of Environmental Quality (IDEQ)

Twin Falls Regional Office
601 Pole Line Road, Suite 2
Twin Falls, Idaho 83301

D. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.

E. Records Contents. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;
3. The date(s) analyses were performed;
4. The individual(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of such analyses.

F. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This

period may be extended by request of the Director at any time. Data collected on-site, copies of Discharge Monitoring Reports, and a copy of this NPDES permit must be maintained on-site during the duration of activity at the permitted location.

G. Twenty-four Hour Notice of Noncompliance Reporting.

1. The following occurrences of noncompliance shall be reported by telephone within 24 hours from the time the permittee becomes aware of the circumstances [EPA NPDES Hotline (206) 553-1846]:
 - a. Any noncompliance which may endanger human health or the environment;
 - b. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part III.G., Bypass of Treatment Facilities.);
 - c. Any upset which exceeds any effluent limitation in the permit (See Part III.H., Upset Conditions.); or
 - d. Violation of a maximum daily discharge limitation for any of the pollutants identified within Table 1 of this permit.
2. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
3. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Unit in Seattle, Washington, by phone, (206) 553-1846.
4. Reports shall be submitted to the addresses in Part II.C., Reporting of Monitoring Results.

- H. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II.C. are submitted. The reports shall contain the information listed in Part II.G.2.
- I. Inspection and Entry. The permittee shall allow the Director or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:
1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.
- J. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit (Part I) shall be submitted no later than 10 days following each schedule date.

III. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for: enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions
1. Civil and Administrative Penalties. Any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to a civil or administrative penalty, not to exceed the maximum amounts authorized by Sections 309(d) and 309(g) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection

Improvement Act (31 U.S.C. § 3701 note).

2. Criminal Penalties

- a. Negligent Violations. Any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(1) of the Act.
 - b. Knowing Violations. Any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(2) of the Act.
 - c. Knowing Endangerment. Any person who knowingly violates a permit condition implementing Sections 301, 302, 303, 306, 307, 308, 318, or 405 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine and/or imprisonment as specified in Section 309(c)(3) of the Act .
 - d. False Statements. Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(4) of the Act.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. Removed Substances. Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

G. Bypass of Treatment Facilities.

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.
2. Notice:
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.G., Twenty-four Hour Notice of Noncompliance Reporting.
3. Prohibition of Bypass.
 - a. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:
 - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under paragraph 2 of this section.
 - b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determine that it will meet the three conditions listed above in paragraph 3.a. of this section.

H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required under Part II.G., Twenty-four Hour Notice of Noncompliance Reporting; and
 - d. The permittee complied with any remedial measures required under Part III.D., Duty to Mitigate.
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

IV. GENERAL REQUIREMENTS

A. Notice of New Introduction of Pollutants.

1. The permittee shall provide adequate notice to the Director, Office of Water, of:
 - a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 or 306 of the Act if it were directly discharging those pollutants; and
 - b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.
2. For the purposes of this section, adequate notice shall include information on:
 - a. The quality and quantity of effluent to be introduced into such treatment works;

and

- b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such publicly owned treatment works.
- B. Control of Undesirable Pollutants. Under no circumstances shall the permittee allow introduction of the following wastes into the waste treatment system:
1. Wastes which will create a fire or explosion hazard in the treatment works;
 2. Wastes which will cause corrosive structural damage to the treatment works, but in no case, wastes with a pH lower than 5.0, unless the works is designed to accommodate such wastes;
 3. Solid or viscous substances in amounts which cause obstructions to the flow in sewers, or interference with the proper operation of the treatment works;
 4. Wastewaters at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency; and
 5. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge of such volume or strength as to cause interference in the treatment works.
- C. Requirements for Industrial Users. The permittee shall require any industrial user of these treatment works to comply with any applicable requirements of Sections 204(b), 307, and 308 of the Act, including any requirements established under 40 CFR Part 403.
- D. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit.
- E. Anticipated Noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- F. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

- G. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- H. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- I. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.
- J. Signatory Requirements.
1. All applications, reports or information submitted to the Director shall be signed and certified.
 2. All permit applications shall be signed by either a principal executive officer or ranking elected official.
 3. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Director, and
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
 4. Changes to authorization. If an authorization under paragraph IV.J.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.J.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

5. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- K. Availability of Reports. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.
- L. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.
- M. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- N. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- O. Transfers. This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
 2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in

paragraph 2 above.

- P. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.
- Q. Reopener Provision. This permit is subject to modification, revocation and reissuance or termination at the request of any interested person (including the permittee) or upon EPA initiative. However, permits may only be modified, revoked, reissued or terminated for the reasons specified in 40 CFR Parts 122.62, 122.63, 122.64 and 124.5. This includes new information which was not available at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance and includes, but is not limited to, future monitoring results. All requests for permit modification must be addressed to EPA in writing and shall contain facts or reasons supporting the request.